

Remarks

The above Amendments and these Remarks are in reply to the Office Action mailed October 10, 2002.

Claims 32-56 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected Claims 32-56. The present Response amends Claims 36 and 39, leaving for the Examiner's present consideration Claims 32-56. Reconsideration of the rejections is requested.

I. SUMMARY OF EXAMINER'S REJECTIONS

Claims 36-56 were rejected under 35 U.S.C. § 102(e), as being anticipated by *Kaufman* (U.S. Pat. No. 6,034,621). Applicants assume that the previous rejection of Claims 32-35 under 35 U.S.C. § 102(e) has been withdrawn, and that the incorporation by reference in paragraph 5 of the previous rejections under *Kaufman* is only intended to incorporate the rejections as to Claims 36-56. If this assumption is incorrect, please notify the undersigned attorney.

Claims 32-35 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Clark et al.* (U.S. Pat. No. 6,317,797) in view of *Boothby* (U.S. Pat. No. 5,684,990).

II. SUMMARY OF APPLICANTS' AMENDMENTS

Claims 36 and 39 have been amended.

III. RESPONSE TO REJECTIONS

A. REJECTION OF CLAIMS 36-56 UNDER 35 U.S.C. § 102(e).

Claims 36-56 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Kaufman* (U.S. Patent No. 6,034,621). In the present Office Action, the Examiner maintains and incorporates by reference the rejections set forth in the last Office Action. However, there is no discussion regarding the arguments presented in Applicants' Response B filed May 20, 2002 which addressed those rejections.

Kaufman teaches wireless remote synchronization of data between a Personal Computer ("PC") and a Personal Digital Assistant ("PDA"). (*Kaufman*, Title). As cited by the Examiner, synchronization of data in *Kaufman* occurs "after each update or change to either data file. Thus, as a data base cell is changed in either data file. . . the same changes are mirrored to the other data file." *Id.*, col. 4, lines 31-37. However, while *Kaufman* does teach wireless remote synchronization of data between a PC and a PDA, *Kaufman* does not teach each of the limitations of Claims 32-56 and thus cannot anticipate Claims 32-56.

1. Claims 36-38.

In the previous Office Action, the Examiner stated that Claim 36 "is similar to claim 1; therefore, it is rejected under the same rationale." (Office Action dated 3/21/2002, p. 4). Applicants continue under the assumption that the Examiner intended to refer to Claim 31 when referring to Claim 1, since Claim 1 is no longer pending. Applicants request that the Examiner notify the undersigned attorney if this assumption is incorrect.

Contrary to the Examiner's understanding of Claim 36, amended Claim 36 differs from Claim 31 in many respects. As an initial distinction, Claim 31 claimed "[a] method for synchronizing information between a first computer and a second computer," whereas, amended Claim 36 claims "[a] method for remotely obtaining with a second computer, an item of information stored on a first computer." Unlike Claim 31, there is no limitation in amended Claim 36 of "selecting ... at least one file type to monitor" or "monitoring ... for modifications to files of said selected file type." Additionally, there was no limitation in

Claim 31 of “identifying with said second computer said item of information stored on said first computer,” as called for in amended Claim 36.

Referring now to *Kaufman*, there is no teaching or suggestion of “determining whether said item of information stored on said first computer is more recent than said corresponding item of information stored on said second computer,” as recited in amended Claim 36. *Kaufman* only teaches synchronizing data once a change has occurred. There is no “determination” as to what data file is the most recent. To synchronize data after a change occurs, as described in *Kaufman*, requires that the PC and PDA be in communication at the time of the change. Unlike *Kaufman*, performing the step of “determining whether said item of information stored on said first computer is more recent than said corresponding item of information stored on said second computer” does not require that the two devices be in communication when a change, if any, occurs.

There is also no teaching or suggestion in *Kaufman* of “identifying with said second computer said item of information stored on said first computer,” as called for in amended Claim 36. As discussed in Applicants’ previous response, *Kaufman* teaches wireless remote synchronization of data on a PC with data on a PDA. The synchronization occurs when one of the data files is changed. There is no discussion of using one of the computing devices (the PC or PDA) to identify an item of information on the other device. Additionally, there is no teaching of “retrieving said item of information from said first computer,” as called for in Claim 36. To the contrary, when a change occurs on one device, the new data is sent to the other device. There is no retrieval.

Thus, since *Kaufman* does not teach each of the limitations of Claim 36, *Kaufman* cannot anticipate Claim 36.

Claims 37-38 each ultimately depend from independent Claim 36, and should therefore be patentable for at least the same reasons as independent Claim 36.

It is further submitted that Claims 37-38 add their own limitations which render them patentable in their own right. Applicants reserve the right to argue these limitations should it become necessary in the future.

Accordingly, Claims 36-38 are believed patentable under 35 U.S.C. §102(e) over *Kaufman*, and withdrawal of the Examiner's rejection of Claims 36-38 based on 35 U.S.C. §102(e) is requested.

2. Claims 39-40.

Amended Claim 39 claims “[a] method for remotely providing to a first computer an item of information stored on a second computer.” The claim includes, among other limitations, “determining whether said item of information stored on said second computer is more recent than said corresponding item of information stored on said first computer.”

As discussed above with respect to Claim 36, there is no teaching or suggestion in *Kaufman* of “determining whether said item of information stored on said second computer is more recent than said corresponding item of information stored on said first computer,” as recited in amended Claim 39. *Kaufman* only teaches synchronizing data once a change has occurred. There is no “determination” as to what data file is the most recent.

Additionally, amended Claim 39 also includes the limitation, “identifying, with said second computer, a storage location on said first computer for storing said item of information.” The Examiner stated in the previous Office Action that this limitation is “inherent in the system” of *Kaufman*. (Office Action dated 3/21/02, p. 5). *Kaufman*, however, describes two embodiments for synchronizing information, a “two-way paging network” (Fig. 1), and a “one-way paging system” (Fig. 2), as discussed in Applicants' previous response. In both systems, the PC includes a synchronizing routine and the PDA includes another synchronizing routine. The transmitting device, for example the PC, connects to either a two-way paging

network or a one-way paging network and transmits the data file. The network then sends the data to the other device, such as the PDA. *See, Kaufman*, col. 3, line 44 - col. 6, line 47.

In the two-way paging system the only interaction between the two devices is an acknowledgment that data has been received. *Id.*, col. 6, lines 38-44. In the one-way paging system there is no interaction between the two devices. *Id.* Thus, there is no “identifying, with said second computer, a storage location on said first computer for storing said item of information,” as called for in Claim 39.

Therefore, since *Kaufman* does not teach each of the limitations of Claim 39, *Kaufman* cannot anticipate Claim 39.

Claim 40 depends from independent Claim 39, and is believed patentable for at least the same reasons as independent Claim 39.

It is further submitted that Claim 40 adds its own limitations which render it patentable in its own right. Applicants reserve the right to argue these limitations should it become necessary in the future.

Accordingly, Claims 39-40 are believed patentable under 35 U.S.C. §102(e) over *Kaufman*, and withdrawal of the Examiner’s rejection of Claims 39-40 based on 35 U.S.C. §102(e) is requested.

3. Claims 41-44.

In the previous Office Action, the Examiner stated that the elements of Claim 41 were rejected in the analysis of other claims, and rejected Claim 41 on that basis. Applicants respectfully submit that the elements of Claim 41 were not included within the analysis of the other claims as stated by the Examiner. If the Examiner wishes to maintain this rejection of Claim 41, Applicants respectfully request that the Examiner identify where in *Kaufman* the limitations of Claim 41 are disclosed. Applicants further submit that *Kaufman* does not teach any of the limitations found in Claim 41.

Kaufman does not teach or suggest “a first monitoring means” and a “second monitoring means.” The synchronization in *Kaufman* occurs in response to a data file being changed. If the Examiner intends to

equate the change of a data file in *Kaufman* as “at least one activity,” which is inaccurate, then *Kaufman* does not teach “a second monitoring means, for monitoring ... an occurrence of at least one event,” as recited in Claim 41. *Kaufman* discloses synchronization after changes in data files, not monitoring for an “occurrence of at least one activity” and an “occurrence of at least one event.”

Applicants also submit that *Kaufman* does not discuss “a log generating means, for generating a log responsive to the occurrence of an event or activity,” as called for in Claim 41.

Thus, since *Kaufman* does not teach each of the limitations of Claim 41, *Kaufman* cannot anticipate Claim 41.

Claims 42-44 each ultimately depend from independent Claim 41, and should therefore be patentable for at least the same reasons as independent Claim 41.

It is further submitted that Claims 42-44 add their own limitations which render them patentable in their own right. Applicants reserve the right to argue these limitations should it become necessary in the future.

Accordingly, Claims 41-44 are believed patentable under 35 U.S.C. §102(e) over *Kaufman*, and withdrawal of the Examiner’s rejection of Claims 41-44 based on 35 U.S.C. §102(e) is requested.

4. Claim 45.

The control center interface of Claim 45 includes, among other limitations, “a work monitor interface, including information identifying an occurrence of an event or activity; and a file synchronization interface, providing the ability to select at least one item of information, contained on said first computing device, for synchronization with a second computing device.”

The Examiner asserted in the previous Office Action that a work monitor interface is “inherent in the system in order to identify changes to data files,” and that a file synchronization interface is “inherent in the system in order to synchronize data files.” (Office Action dated 3/21/02, p. 5). A “work monitor

interface,” as part of “[a] control center interface,” as called for in independent Claim 45, is an interface for users that identifies to a user “an occurrence of an event or activity” (see, for example, Figs. 5 and 8). “[A] file synchronization interface,” as part of “[a] control center interface,” as called for in Claim 45, is an interface for users that “provid[es] the ability to select at least one item of information” (see, for example, Figs. 5 and 12).

There is no discussion in *Kaufman* of any type of control center interface as called for in Claim 45 that includes: (1) a “work monitor interface” that identifies to a user an occurrence of an event or activity; and (2) a “file synchronization interface” that provides a user with the ability to select at least one item of information. In fact there is no discussion of any type of user interface other than typical programs such as calendaring programs.

Applicants further submit that an interface is not inherent “in order to identify changes” and that an interface is not inherent “in order to synchronize data files” as stated by the Examiner. Changes may be identified and data files synchronized without the use of an interface.

Thus, since *Kaufman* does not teach or suggest each of the limitations of Claim 45, *Kaufman* cannot anticipate Claim 45.

i. Claims 46-50, 52-54, and 56.

Claims 46-50, 52-54, and 56 each ultimately depend from independent Claim 45, and should therefore be patentable for at least the same reasons as independent Claim 45.

Additionally, the Examiner does not identify where in *Kaufman* the limitations of any of Claims 46-50, 52-54, and 56 are disclosed. Applicants submit that indeed *Kaufman* does not teach any of those limitations.

If the Examiner still believes that *Kaufman* teaches the limitations called for in dependent Claims 46-50, 52-54, and 56, Applicants request that the Examiner identify where in *Kaufman* those limitations are disclosed.

Accordingly, Claims 46-50, 52-54, and 56 are believed patentable under 35 U.S.C. §102(e) over *Kaufman*, and withdrawal of the Examiner's rejection of Claims 46-50, 52-54, and 56 based on 35 U.S.C. §102(e) is requested.

ii. **Claim 51.**

Claim 51 depends from independent Claim 45 and is believed patentable for at least the same reasons as independent Claim 45.

As discussed in Applicants' previous response, there is no teaching of "an information module, for adding an identification of information to said list," as called for in dependent Claim 51. The Examiner asserts that this limitation is "inherent in the system in order to add information to the existing list, col. 5, lines 36-40." Office Action, p. 6. Column 5, lines 36-40 of *Kaufman* states:

"For example, in a long meeting, the user of the PDA 602 does not have to excuse him or herself to plug the PDA 602 into the telephone system and press an "on-demand" selection switch or other means to get updated, synchronized information about changed or added appointments."

This citation does not make an "information module" inherent in *Kaufman*. In fact, *Kaufman* only describes wireless remote "synchronization of calendar and contact-related data." *Id.*, col. 1, lines 9-10. Thus, since only certain types of data are synchronized in *Kaufman* there is no purpose for an "information module, for adding an identification of information to said list," as called for in dependent Claim 51.

Thus, since *Kaufman* does not teach each of the limitations of Claim 51, *Kaufman* cannot anticipate Claim 51.

Accordingly, Claim 51 is believed patentable under 35 U.S.C. §102(e) over *Kaufman*, and withdrawal of the Examiner's rejection of Claim 51 based on 35 U.S.C. §102(e) is requested.

iii. Claim 55.

Claim 55 depends from independent Claim 45 and is believed patentable for at least the same reasons as independent Claim 45.

Additionally, Claim 55 includes the limitation of "wherein said file synchronization system includes: a synchronization progress interface, displayed as a result of selection of said begin synchronization module, identifying the progress of synchronization information between said first computing device and said second computing device."

The Examiner states that this limitation is inherent in *Kaufman* "in order to scheduling and managing information, col. 1, lines 14-32; fig. 1." (Office Action dated 3/21/02, p. 6). Column 1, lines 14-32 of *Kaufman* describe types of programs, such as a scheduling program for managing appointments and organizing personal information, that a user would like to be able to keep synchronized between a PC and a PDA. *Id.*, col. 1, lines 14-32. There is no discussion of "a synchronization progress interface, displayed as a result of selection of said begin synchronization module, identifying the progress of synchronization information," as called for in Claim 55. Indeed, column 1, lines 14-32 of *Kaufman* do not even discuss the progress of, or even how, synchronization of two devices occurs.

Thus, since *Kaufman* does not teach each of the limitations of Claim 55, *Kaufman* cannot anticipate Claim 55.

Accordingly, Claim 55 is believed patentable under 35 U.S.C. §102(e) over *Kaufman*, and withdrawal of the Examiner's rejection of Claim 55 based on 35 U.S.C. §102(e) is requested.

B. REJECTION OF CLAIMS 32-35 UNDER 35 U.S.C. § 103(a).

Claims 32-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Clark et al.* (U.S. Pat. No. 6,317,797) (“Clark”) in view of *Boothby* (U.S. Pat. No. 5,684,990) (“Boothby”).

Claim 32 includes the limitation, “determining ... whether said modified file on said first computer is more recent than said identified file on said second computer.” *Clark*, however, teaches “to determine if the dates or times are different for the particular files.” (*Clark*, col. 15, lines 65-66). Col. 16, lines 8-12 cited by the Examiner teach “control proceeds to step 648 to determine if the entire file is new.” This determination is made after “the two files are scanned to determine if there are any differences.” (*Clark*, col. 16, lines 5-6). *Clark* does not teach determining whether one file is more recent than another. *Clark* teaches determining whether the dates and times for the particular files are different and whether an entire file is new based on a comparison of differences.

Claim 32 also claims “replacing said identified file on said second computer with said modified file on said first computer, only if it is determined that said modified file on said first computer is more recent than said identified file on said second computer.” *Clark* does not teach or suggest this limitation, and in fact, teaches away from this limitation. As discussed, *Clark* teaches scanning the files to determine if any differences are found after determining whether the dates and times are different for the particular files. (*Clark*, col. 15, line 65 - col. 16, line 9). By teaching a comparison of the files for differences that are “shown to the user so that he can make a proper decision,” and teaching that “the user selects whether to keep the handheld or host or both files or merge the files,” *Clark* teaches away from Claim 32. (*Id.*, col. 16, lines 12-20). Claim 32 includes limitations for determining if a modified file is more recent than an identified file and replacing the identified file if the modified file is more recent than the identified file. *Clark* teaches away from this limitation by teaching a user comparison of the two files to determine whether to replace one file.

Thus, since *Clark*, alone or in combination with *Boothby*, does not teach or suggest each limitation of Claim 32, and teaches away from Claim 32, Claim 32 cannot be obvious over *Clark* in view of *Boothby*.

Claims 33-35 each ultimately depend from independent Claim 32, and should therefore be patentable for at least the same reasons as independent Claim 32.

It is further submitted that Claims 33-35 add their own limitations which render them patentable in their own right. Applicants reserve the right to argue these limitations should it become necessary in the future.

Accordingly, Claims 32-35 are believed patentable under 35 U.S.C. §103(a) over *Clark* in view of *Boothby*, and withdrawal of the Examiner's rejection of Claims 32-35 based on 35 U.S.C. §103(a) is requested.

VI. CONCLUSION

The references cited by the Examiner but not relied upon have been reviewed, but are not believed to render the claims unpatentable, either singly or in combination.

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Date: 1/10/03

Respectfully submitted,

By: 

Larry T. Harris
Reg. No. 44,745

FLIESLER DUBB MEYER & LOVEJOY LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800

APPENDIX

In the Claims:

36. (Once Amended) A method for remotely obtaining with a second computer, an item of information stored on a first computer, said second computer having a corresponding item of information stored thereon, comprising the steps of:

connecting said second computer with said first computer;
identifying with said second computer said item of information stored on said first computer; [and,]
determining whether said item of information stored on said first computer is more recent than said corresponding item of information stored on said second computer; and
retrieving said item of information from said first computer, only if it is determined that said item of information stored on said first computer is more recent than said corresponding item of information stored on said second computer.

39. (Once Amended) A method for remotely providing to a first computer an item of information stored on a second computer, said first computer having a corresponding item of information stored thereon, comprising the steps of:

connecting said second computer with said first computer;
identifying, with said second computer, a storage location on said first computer for storing said item of information; [and,]
determining whether said item of information stored on said second computer is more recent than said corresponding item of information stored on said first computer; and

providing said item of information to said first computer, only if it is determined that said item of information stored on said second computer is more recent than said corresponding item of information stored on said first computer.